

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

Case No. 2:11-cv-00568-KJD-PAL

ORDER

(IFP App - Dkt. #1)
(Interrogatories and RPD - Dkt. #4)
(Mtn to Compel - Dkt. ##8, 16)
(Mtn to Waive - Dkt. #12)
(Mtn for CM/ECF - Dkt. #25)

This matter is before the court on a number of matters filed by Plaintiff Kirsha Brown-Younger (“Plaintiff”), including an Application to Proceed *In Forma Pauperis* (Dkt. #1), Plaintiff’s Interrogatories and Request for Production of Documents (Dkt. #4), Plaintiff’s Motion to Compel (Dkt. #8), Plaintiff’s Motion for Service (Dkt. #10), Plaintiff’s Motion to Waive Transcript Costs (Dkt. #12), Plaintiff’s Motion to Compel (Dkt. #16), and Plaintiff’s Motion to File Electronically (Dkt. #25). The court has considered the motions.

Plaintiff is proceeding in this action *pro se*, has requested authority pursuant to 28 U.S.C. § 1915 to proceed *in forma pauperis*, and submitted a Complaint (Dkt. #1). This proceeding was referred to this court by Local Rule JB 1-9.

I. *In Forma Pauperis* Application (Dkt. #1).

Plaintiff has submitted an incomplete Application to Proceed *In Forma Pauperis*. Plaintiff has not responded to questions 1, 2, 5, or 7; and she has not responded fully to questions 3 or 7. As a result, the court cannot determine whether Plaintiff qualifies to proceed *in forma pauperis*, and her Application will be denied without prejudice. The Clerk of Court shall retain the Complaint.

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1 **II. Interrogatories and Request for Production of Documents (Dkt. #4).**

2 Pursuant to LR 26-8, written discovery, including responses to discovery and deposition
3 transcripts shall not be filed with the court. The court will order Plaintiff's First Set of Interrogatories
4 and Requests for Production of Documents (Dkt. #4) stricken.

5 **III. Motions to Compel (Dkt. ##8, 16).**

6 Plaintiff requests Defendant be compelled to respond to her requests for written discovery, and
7 that sanctions be imposed for Defendant's failure to do so. However, because Plaintiff is attempting to
8 proceed *in forma pauperis*, service of the Complaint is not appropriate until it has been screened by the
9 court pursuant to 28 U.S.C. § 1915. After service is directed, and Defendant files a responsive
10 pleading, the court will enter a scheduling order outlining the dates and deadlines applicable to this
11 case. Because Plaintiff's Application to Proceed *In Forma Pauperis* has not yet been approved, the
12 court has not screened Plaintiff's Complaint, and written requests for discovery are premature.

13 Plaintiff's Motions to Compel (Dkt. ##8, 16) will be denied.

14 **IV. Motion for Service (Dkt. #10).**

15 Plaintiff requests an order that her Complaint and Summons be served upon Defendant. As set
16 forth above, service is not appropriate until after the court has screened Plaintiff's Complaint. The
17 court will not screen Plaintiff's Complaint until she has been approved to proceed *in forma pauperis*.
18 Additionally, the Clerk of Court does not serve a complaint. When a plaintiff proceeds *in forma*
19 *pauperis*, the United States Marshal's Service effects service of the complaint. Plaintiff's Motion for
20 Service (Dkt. #10) will be denied.

21 **V. Motion to Waive Cost of Transcript (Dkt. #12).**

22 Plaintiff requests the court waive the costs of transcripts due to her indigent status. It appears
23 that Plaintiff is seeking a transcript for purposes of her appeal. Plaintiff has not specified which
24 transcripts she needs, and it does not appear that any hearings have been conducted in this matter.
25 Additionally, Plaintiff is advised that *in forma pauperis* status does not apply to the cost of transcripts.
26 See *Harnden v. Key*, 2009 WL 57637 (E.D. Cal. Jan. 9, 2009). Plaintiff's Motion to Waive (Dkt. #12)
27 will, therefore, be denied.

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1 **VI. Motion to File Electronically (Dkt. #25).**

2 Plaintiff requests permission to access the court's electronic filing system, CM/ECF, to
3 electronically file and view submissions. Plaintiff has not yet stated a claim upon which relief can be
4 granted. Her request will therefore be denied without prejudice to renewing her motion when the court
5 has screened her Complaint and found she has stated a cognizable claim.

6 Accordingly,

7 **IT IS ORDERED:**

8 1. Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. #1) is DENIED WITHOUT
9 PREJUDICE. The Clerk of Court shall mail Plaintiff a blank application, and Plaintiff
10 shall have until **September 22, 2011**, in which to submit the completed application or
11 pay the \$350.00 filing fee. Failure to comply with this order will result in a
12 recommendation to the district judge for dismissal.

13 2. Plaintiff's First Set of Interrogatories and Requests for Production of Documents (Dkt.,
14 #4) are STRICKEN.

15 3. Plaintiff's Motions to Compel (Dkt. ##8, 16) are DENIED as premature.

16 4. Plaintiff's Motion for Service (Dkt. #10) is DENIED.

17 5. Plaintiff's Motion to Waive (Dkt. #12) is DENIED.

18 6. Plaintiff's Motion for CM/ECF Access (Dkt. #25) is DENIED WITHOUT PREJUDICE.

19 Dated this 22nd day of August, 2011.

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22 PEGGY A. TEER
23 UNITED STATES MAGISTRATE JUDGE
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